

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INNACIO DOS SANTOS MORAIS,
on behalf of himself and others
similarly situated,

Plaintiff,

- against -

DRG HOSPITALITY GROUP, INC. d/b/a
DELMONICO'S, and DENNIS TURCINOVIC,

Defendants.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/15/2024

24-CV-4379 (RWL)

**ORDER
APPROVING SETTLEMENT
AND DISMISSING CASE**

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This case is an action for damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA") and the New York Labor Law. Before the Court is the parties' joint letter request that the Court approve their settlement agreement, a fully executed copy of which was submitted on October 15, 2024. A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arm's length negotiation, not an employer's overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The parties' reached agreement after working with a neutral mediator. The Court has carefully reviewed the Settlement Agreement as well as the parties' letter. The Court has taken into account, without limitation, prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm's length bargaining

between experienced counsel or parties; the amount of attorney's fees; and the possibility of fraud or collusion.

For instance, the amount secured for the Plaintiff fairly takes into account, inter alia, Plaintiff's potential recovery and the risks of continuing the litigation. The attorneys' fees are within a fair, reasonable, and acceptable range. The Settlement Agreement contains a non-disparagement clause that is fair inasmuch it is mutual and makes clear exception for truthful statements. The release given by Plaintiff extends beyond wage-and-hour claims, but the release given by Defendants is at least equally broad. Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and hereby approved.

This case, having resolved by settlement, is hereby dismissed and discontinued in its entirety, with prejudice, without costs or fees to any party, except as provided for in the parties' settlement agreement. The Clerk of Court is respectfully requested to terminate all motions and deadlines, and close this case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 15, 2024
New York, New York

Copies transmitted to all counsel of record.